

TRUE DEMOCRAT.

"We claim as large a Charter as the Wind, to blow on whom we please."

By O. C. Dease.

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TERMS.

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TO THE PEOPLE OF MISSISSIPPI.

Standing before you in the attitude of a candidate for congress, and desiring to secure and maintain your good opinion and approval of my past conduct as your representative, and to retain that confidence you have heretofore so generously extended to me, you must indulge me in this address. Appeal upon appeal, communication after communication, both privately and through the public press, has been made, urging me to come out with a full exposition of our Indian relations, and particularly of the somewhat famous "Chickasaw Bill," and a longer silence on my part, might possibly lead you to the conclusion that I knew many things about men and measures that I felt unwilling to give to the public. But I have no secrets, and I keep none. With you I have ever observed the most unreserved frankness and candor; and though you may disapprove and condemn my course, you shall never complain of my deception and betrayal. I can engage in no intrigue, no combination, no secret management to induce you into a position which your dispassionate judgment may not approve; nor do I wish to raise a false alarm, at any time, injuriously to affect others. I am a plain, blunt man, and speak out my own views about measures in the freest manner, and leave you to judge as to the correctness of my opinions and the propriety of my conduct.

During my career as a public man, during the last six years of which I have stood in the high and responsible station of your representative in Congress, our State has passed through some strange and exciting scenes. Twice have we succeeded in arresting power from the hands of whigs, when the election immediately preceding showed a majority against the democrats; and once have we triumphed over a division in our own party ranks. As your sentinel, I have stood on the outermost wall, and the denunciation and reproach intended for you have fallen upon my ears, and it has been my proud privilege to throw myself into the breach of your defence. What I have done, I have done; and in my heart of hearts I thank you for your approbation of my conduct.

At the last session of Congress, our late Senator, Mr. Walker, reported a bill from the Judiciary committee to the Senate. "To enable the Chickasaw Nation to try the validity of their claims in the Courts of the United States." This bill passed the Senate, and on the morning of the last day of the session, in my absence, it passed the House of Representatives. Afterwards it was reconsidered, and I made a speech upon the provisions and principles of the bill, and it was forthwith rejected. Two days subsequent to this defeat of the bill, Mr. Walker received a commission from Gov. Brown, authorizing me to fill the vacated seat in the Senate of the United States. This commission was never delivered to me; and my course on the Chickasaw Bill has been misjudged by some persons as the reason for its non-delivery. Various comments have been made, and I am called upon in the character of a witness supposed to know all about the transaction, to speak out; to give the legislative history of the Bill; to explain its principles and "enormities;" and above all, to explain my own speech, wherein I say, "I have friends urging the passage of the Bill, whose wishes I hate to thwart." It is moreover said, that the question is not dead; that the Bill is in itself just and proper, and will again be pressed on the consideration of Congress; and that an issue is sought to be made with me as to the justice and correctness of my positions. For all these things I am fully prepared, and I submit to your unbiased judgment all my acts, and opinions and information in relation to these matters, and here give you the assurance that my future course shall correspond with the past, without variability or a shadow of turning.

THE HISTORY OF THE CHICKASAW BILL can be written in few words. A memorial of the Chickasaw Nation of Indians is presented to the Senate, setting forth that the Chickasaws had ceded a large and valuable country to the United States, on the condition that the proceeds of the sales of said lands, after defraying all the incidental expenses of sale, were to be invested in certain safe and valuable stocks, not having more than twenty years to run. "That in defiance of said treaties, a large portion of said proceeds had been invested in stocks having more than twenty years to run; and another considerable portion of said proceeds have been invest-

ed in stocks that are not safe and valuable, but which are greatly depreciated below par value, and on a part of which no interest has been paid for some time past." Then follows an argument that the Chickasaws were an ignorant people, but had great confidence in the people of the United States; and that a large amount of the purchase money had been invested in the stocks of several of the States which form a component part of the American Union. "That these States constitute a portion of the very parties with whom said treaties were made by the Chickasaw nation; and that they cannot believe that the government of the United States would permit an ignorant and confiding people to suffer from the neglect of any of its own members, to place in the hands of their own government those moneys and interests to which the Chickasaw nation were justly entitled." (This seems to be rather an insinuation that some of the States might be against the payment of their stock, because of their interest; and the appeal is made to Congress not to permit the States to repudiate. Well, coming from an "ignorant and confiding" Indian, no exceptions, I hope, gentlemen.) They then say, "The memorialists fully expect that the moneys received by the government of the United States, from the sales of the Chickasaw lands, will be fully secured to the Chickasaws."

The second branch of the memorial states that the Chickasaw fund had been plundered of various amounts of money, contrary to right and treaty stipulations; and concludes with the prayer that the Chickasaw nation may be allowed the privilege of coming before the judicial tribunals of the country, to test the validity of these expenditures, and that provision may be made for the repayment of such sums as may be due by the United States.

This memorial of an Indian nation, asking for redress of supposed grievances, is presented to the Senate, and forthwith, on motion, referred to the committee on the judiciary. By what rule of legislation this reference was made, I am wholly unable to see. There is a standing committee of the Senate on Indian affairs, and to this committee all petitions, memorials, resolutions and bills, in any way touching or relating to the interests, claims or welfare of Indians or Indian tribes, are properly referred. This committee, thus charged with this branch of business, are held responsible to the Senate for all necessary information pertaining to Indian affairs. This memorial, in my opinion, belonged to this committee; but, overruled here, it should have gone to the committee on claims; this rejected, a special committee should have been raised. I am thus particular, knowing that every fact pertaining to this law is demanded. But I am ready to admit that Mr. Walker is better acquainted with parliamentary proceedings than I do. It was referred, and Mr. Walker from the committee on the judiciary, reported the bill above alluded to. This bill authorized the Chickasaw nation, through their commissioners, under the treaties of 1832 and 1834, to file a petition in the nature of a bill in Chancery, in the circuit court of the United States for the District of Columbia, setting forth their CLAIMS UNDER SAID TREATIES, OR EITHER OF THEM, against the United States—the citation to answer which bill shall be served on the Attorney of the United States for said district, &c. The same proceedings were to be had "in the cause as in ordinary proceedings in Chancery." Each party had the right of appeal. "And if upon the appeal of either party, said decree should be affirmed, in whole or part, by said court, then and in that case, such sum as shall be finally adjudged by said supreme court to be due by the United States to the Chickasaw nation, shall be accounted for by the United States, and held and disposed of by them, subject to the trusts specified in said treaties; and said decree, whether for or against the United States, shall be final and conclusive." For the moment such a question is brought to the consideration of Congress, the claim would be admitted. But then the attorney's fee! There is the marrow of this transaction. And suppose the rule of compensation applicable in the Choctaw speculation, that one half of the recovery belonged to the attorney, should be allowed in this case, \$100,000 would feel comfortable in the pockets of a hard working attorney. This would have been a great wrong to the Chickasaw nation and destructive of the ends of justice. This is a "greater enormity." And the question is not with me, did men intend to do such a thing under the law; but, could they thus plunder an "ignorant and confiding people."

This bill was reported, and the clerk, I presume, marked it "private," for it is the duty of the clerk so to designate the different bills which may be introduced. It was regularly passed through the Senate, after some debate, and reported to the House as a Senate bill. There I ought, and indeed it had been my intention, to have moved its reference to the committee on Indian affairs, but on motion it was again referred to the Judiciary committee; and this motion was made, put and carried without arresting my attention. And it is proper that I should admit that here I ought to have exercised more vigilance, but the reference having been made, I submitted, and looked into the subject, and prepared myself for a full development of its principles and provisions whenever it was reported back to the House. The moment came which required me to meet the issue; the true character of the bill was exposed, and the House refused to enact it into a law.

My speech has been published in all the papers; my objections are there stated to its general provisions, as well as to the principles on which the bill is based. But in the concluding paragraph of that speech, the phrase "the enormities of the bill" is

introduced; and it is said that the intention of the bill being but to subvert the ends of justice, such an expression was unmerited, and raised a false alarm in regard to the bill. With the intentions of the bill I have naught to do. I deal with the bill itself, and the abuses which may be practised under it.

1st. I regard the very principle that the Chickasaw nation shall be required to institute a suit against the United States, in the circuit court of the District of Columbia, even for a just claim, as an "enormity," as a reflection upon Congress and the executive departments of the government; because it implies that they either have not the disposition to deal justly with the Indian, or the ability to comprehend and properly understand their rights.

2d. I regard the principle as a precedent leading to the most "enormous" consequences. The claims of the Chickasaw nation, which I have admitted in all my arguments may be just, sink into insignificance when brought into comparison with those of the Cherokee nation and other tribes. But if our government should allow itself to be arraigned in court in this way, as a defendant on all claims which might be set up against it, all discretion over a large portion of the appropriations would be taken from Congress, and there is no estimating the extent of the villainy that could be perpetrated on ex parte testimony.

3d. The Constitution provides, "no money shall be drawn from the treasury, but in consequence of appropriations made by law." This Chickasaw bill provides that, "such sum as may be finally adjudged by said supreme court, to be due by the United States to the Chickasaw nation, shall be accounted for by the United States, and held and disposed of by them, subject to the trusts specified in said treaties; and said decree, whether for or against the United States, shall be final and conclusive." The decree of the court may not actually, manually, de facto, take hold of the keys of the treasury, but this law pledges the faith of the government that the sum decreed "shall be accounted for," and virtually it draws money from the treasury in violation of the constitution; and however base and infamous the testimony, yet the decree of the court, like the law of the Medes and Persians, is irreversible. This I consider a "great enormity."

4th. This Chickasaw bill confers the jurisdiction upon the circuit court of the United States for the District of Columbia, to hear and determine all the claims of any nature whatsoever of the Chickasaw nation, under the treaties of 1832 and 1834, against the United States. Now it appears that on the 15th of March, 1842, the amount of stocks held by the secretary of the treasury in trust for the Chickasaws, was \$1,553,677 23. The Chickasaw treaty provides that the money of the nation shall be invested in stocks not having more than twenty years to run. The memorial of the Chickasaws above referred to, says, "that in defiance of the terms of said treaties, a large portion of said proceeds have been invested in stocks having more than twenty years to run." The exact amount I am unable to state, but from what information I have, I suppose the sum above alluded to amounts to more than \$200,000. The government in purchasing stock having more than twenty years to run, clearly exceeded their authority, and the purchase was, without question, a misapplication of a trust fund.—But let us run this isolated case out through the courts under this law. The Chickasaw nation sues the United States for \$200,000, the amount supposed to be misapplied in the purchase of stocks; the court enters a decree for the amount against the United States; the supreme court affirms the decree. This binds the United States, and renders it final and conclusive. But wherein is the Chickasaw nation benefited? For the moment such a question is brought to the consideration of Congress, the claim would be admitted. But then the attorney's fee! There is the marrow of this transaction. And suppose the rule of compensation applicable in the Choctaw speculation, that one half of the recovery belonged to the attorney, should be allowed in this case, \$100,000 would feel comfortable in the pockets of a hard working attorney. This would have been a great wrong to the Chickasaw nation and destructive of the ends of justice. This is a "greater enormity." And the question is not with me, did men intend to do such a thing under the law; but, could they thus plunder an "ignorant and confiding people."

5th. In the administration of the treaty at Pontotoc, in the opinion of many honest and intelligent men, many errors were committed; many Indians were allowed land who had no right, and others were permitted to locate upon the choicest lands contrary to the letter, spirit and intent of the treaty. The treaty provides, "these reservations shall be confined to the sections or fractional sections on which the party claiming lives, or to such as are contiguous or adjoining to the sections resided upon, subject to the following restrictions or conditions:

1st. When there are interferences arising, the oldest settler or occupant shall have the preference.

2d. When the land is judged unfit for

cultivation by the agent and three of the chiefs, the party entitled was authorized to locate on other lands.

It is generally conceded that, in violation of this provision, a vast deal of the most valuable land of the nation, lying principally in the prairie and the richest land districts, was reserved and appropriated to individuals. It must be kept in mind, that whatever is reserved to an individual Indian is so much abstracted from the general Chickasaw fund; and if the United States have mal-administered the treaty, by allowing land to Indians who were not entitled to such a birth-right, the Chickasaw nation has a claim in good conscience on the United States, under the treaty, for compensation. For an illustration, let us take one case and run it through the courts, and 'ex uno, disce omnes': for I believe that more than one hundred cases could be hunted up by a keen scented Indian dealer. Suppose the Chickasaw nation file a bill against the United States, for the land or for the value of the section of land on which the town of Pontotoc is located, and prove to the satisfaction of the court, that the Indian who was here located, was not entitled to any reservation, or, if entitled, that he was bound under the treaty to take another and different section of far less value. And suppose the court should decree that that section of land belonged to the Chickasaw nation, or that the United States should "account for" its value, which I will suppose to be equal at the present time to \$100,000. Now, if the attorney in every case, could make the "ignorant and confiding" Chickasaw, fork over one half, this would be a rich harvest, and I apprehend the laborers would not be wanting.

In what way all this might have effected innocent holders of land; what disturbance and uncertainty would arise in the community; and how for the proof, which might be easily prepared, would effect existing titles, it is not necessary for me to determine. But as fraud vitiates all contracts and renders them void, ab initio, the patent of the government could not protect the present owner of the land. Heretofore the effort has been to obtain lands for Indians; pass this law, and the process would change, and the cry would be the infamous conduct of the former officers of the government, and the grievous and wholesale plunder of the "ignorant and confiding" Indian nation. This I consider the "greatest enormity."

I might go farther, but here I shall stop; for I am fully satisfied that a measure to which such objections will justly lie, will find but few advocates in Mississippi, and no man would be willing to rest his hopes for popular favor on a bill of such a character. But while I am forced thus to characterize this intended law, I do not know that those who favored it, saw the extensive and dangerous judiciary given by it to the courts. I claim to be honest in my opposition to the measure—I am free to concede that its advocates are equally honest. Therefore I must suppose them mistaken, and, doubtless, they view my course in the same light. It is for you to judge between us, and to your decision I shall submit with cheerfulness.

But a portion of my speech on this bill, has been so often quoted and so improperly interpreted, that it is due to truth and frankness that I should correct the erroneous interpretation. I there remark, "But I have had my difficulties in coming up to this opposition. I have friends urging the passage of this bill—friends that I have served and whose wishes I hate to thwart. But a sense of duty, &c., has impelled me to make this explanation of the enormities of this bill; and having done so, I cheerfully submit the result to the free action of this House." It is said in some strong and caustic articles which I have noticed, that the friends alluded to were Dr. Wm. M. Gwin and Hon. Robert J. Walker. The use of the word in the plural number, has led to this mistake. I did not allude to Mr. Walker. He never at any time, or in any way, spoke to me in relation to this bill; and in resisting its passage, I did not consider one moment that I was interfering with his wishes, or that my action on it would interrupt the uniform kind feelings that I had supposed to exist between us. I know that, in many cases, a representative allows himself to yield his assent to measures of a private nature, which he is very willing to see defeated. And in this very case, my relations with Dr. Gwin had been such that it was a great trial of my firmness to resist the passage of a bill, which I knew he was very desirous to pass. We had been long friends, keeping up a constant and intimate correspondence; we had been colleagues in Congress in trying times, and we had never differed on any material measure. I hated to thwart his wish to pass the bill, I preferred the measure should be killed by some other; but when I found that I must come to the rescue, or take the responsibility of allowing a law to be enacted which I could not approve. Having to wound, I struck the blow—denounced the law according to the best and honest dictates of my mind. And when I had done so, I wished to assure him it was a most unpleasant task; but in my position as the representative of others,

duty, and justice, and right must control my movements, and overrule all the promptings of friendship. Such is the spirit of my speech, as all who read it will readily perceive.

But were I to stop here, I might be misunderstood. I am compelled to go on and present my views of Mr. Walker's retention of the Senatorial commission of the Governor, which was forwarded to him to be delivered over to me in the event of his going into Mr. Polk's Cabinet. The part I took in defeating the Chickasaw Bill has been supposed to be the true solution of his conduct—and therefore I thought it imperative on me to make the explanation I have done. I cannot bring my mind to believe that in refusing to deliver the commission, Mr. Walker was influenced by any motive or consideration personal to myself.—Nothing existed between us, but what I supposed to be unreserved confidence. Sometimes we differed about men and about measures, but it was an honest difference and in no case produced the slightest alteration of feeling. He told me he preferred a place in the Cabinet. I insisted upon his remaining in the Senate and pledged him my hearty support for a re-election. When I found he would not yield to my views, I cheerfully gave into his wishes, and the whole party are advised with what steadiness and watchfulness, I pressed him for the position he now occupies—on the very day the Senate confirmed him Secretary of the Treasury, he received the Senatorial commission. But suppose now that on that day when all his fond hopes and wishes are realized and all the splendid trappings of power and place are snugly fitted upon him, he receives a commission from the Executive of his State for me to occupy his seat; feeling himself independent, when but ten hours before his right foot rested on my shoulder as a firm prop, as he vaulted into his elevated seat, harboring & nurturing a deep grudge against me for some cause never expressed, and determining now to take advantage of the confidence of the Governor to slake his burning thirst for vengeance, he should tear up the commission; would not all honorable men irresistibly come to the conclusion, that such a man was too degraded for the association of honest men and that the keys of the Treasury were in unsafe hands. The consequences of a conclusion that Mr. Walker was influenced by any consideration personal to myself in his course with the commission, are so monstrous, so overwhelming, so destructive of all faith and confidence in his character and integrity, that I feel bound to believe him when he says, "nor is there any man friend or foe, to whom under similar circumstances I would have delivered the commission."

Upon the withdrawal of Mr. Walker and Mr. Buchanan from the Senate, parties stood 24 whigs and 23 democrats, and it must be known to all acquainted with the proceedings of the Senate, that a majority of that body could at any time have gone into the election of a printer, or called up the Zollverein Treaty or adopted resolutions advising the President in pursuance of the latter alternate in the joint resolutions for the annexation of Texas, to have opened negotiations with that Government for the purpose of affecting that most heartily desired object. And moreover it is evident that Mr. Walker misunderstood the feelings and wishes of the Governor, for no sooner is he advised that the commission had not been delivered, than he caused a duplicate commission to be made out and forwarded. Yet I know you will believe me sincere when I assure you, that at no time have I felt one moment's mortification at the course events have taken. I never asked or desired the appointment—I am content with and proud of my present position. The Senatorial appointment by the Executive was a compliment which I most highly appreciate, yet it has proved a source of continual annoyance to me, and had Mr. Walker intimated to me that he had a commission for me, but that he felt embarrassed about its delivery, I never could have accepted it even for one moment. Therefore as I do not believe that Mr. Walker took the course he did with a view to mortify my feelings, to gratify any personal pique or revenge, or to lower me or in any way affect me, in the estimation of the people of Mississippi, I consider that I have no other interest in the suppression of the commission than the whole people of Mississippi and indeed the whole party throughout the Union—and I doubt not that a sound public opinion will in the end, deal justly with us all.

With a sincere hope that at the idea of November, you will, with your accustomed alacrity, re-elect me to the honorable position I have so long held.

I am with deep respect,
Yours ob't serv't
J. THOMPSON.

Oxford, Sept. 3, 1845.

CROPS.—Having travelled over several of the cotton growing counties of this State, within the last few days, we are, from our own observation and reliable information, warranted in predicting a short crop. A few weeks since the prospects for large crops in this and the adjoining counties, were seldom if ever better. But since then the prospect has gradually declined, until at present a bumper is fully as much as we can expect. We were on Monday last, informed by a planter of this county, that on his plantation, a yield of one-fifth of a bale to the acre is as much as he expects.

In Texas parish, opposite this place, there are many fine crops, but the crops generally, will fall considerably below an average. The plantations that were inundated last season, will not produce more than one-half their usual yield. We saw three hundred acres, in one body, which we were informed by the manager, would not produce more than seventy-five bales. On the bayous Texas, Mason, the crops are said to be very fine.—Grand Gulf Star.

Mrs. Canale still continues her admirable features.—Poor Corvill must endure the agonies of poverty.